

AMENDED IN SENATE MAY 23, 2001

AMENDED IN SENATE MAY 8, 2001

AMENDED IN SENATE APRIL 25, 2001

SENATE BILL

No. 1080

Introduced by Senator Bowen

February 23, 2001

An act to add Section 2249 to the Business and Professions Code, and to amend Section 109278 of the Health and Safety Code, relating to health care.

LEGISLATIVE COUNSEL'S DIGEST

SB 1080, as amended, Bowen. ~~Physicians and surgeons~~ *Medical care providers*: gynecological cancers.

~~Existing law imposes certain duties on physicians and surgeons in providing services in the diagnosis and treatment of cancer, including, among other matters, requiring a physician and surgeon to provide information to a patient about the availability of appropriate diagnostic procedures for the detection of prostate cancer, if certain conditions are present. Under existing law, the violation of those provisions constitutes unprofessional conduct.~~

Existing law requires medical care providers, as defined, to give to each patient during an annual gynecological examination a standardized written summary describing symptoms and appropriate methods of diagnoses of gynecological cancers.

This bill would provide that a violation ~~by a licensed health care provider of a provision requiring a standardized written summary describing symptoms and appropriate methods of diagnoses of gynecological cancers be given to patients during an annual exam~~

~~constitutes of this provision shall constitute~~ unprofessional conduct, *but shall not constitute a misdemeanor.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2249 is added to the Business and
2 Professions Code, to read:

3 2249. A violation of Section 109278 of the Health and Safety
4 Code, requiring a standardized written summary describing
5 symptoms and appropriate methods of diagnoses of gynecological
6 cancers to be given to patients during the annual exam, ~~constitutes~~
7 *shall constitute* unprofessional conduct, but is not subject to
8 Section 2314.

9 SEC. 2. Section 109278 of the Health and Safety Code is
10 amended to read:

11 109278. (a) The medical care provider primarily responsible
12 for providing to a patient an annual gynecological examination
13 shall provide to that patient during the annual examination a
14 standardized summary in layperson's language and in a language
15 understood by the patient containing a description of the
16 symptoms and appropriate methods of diagnoses for
17 gynecological cancers. Use of existing publications developed by
18 nationally recognized cancer organizations is not precluded by this
19 section.

20 (b) For the purposes of this section, "medical care provider"
21 means a health care professional licensed pursuant to Division 2
22 (commencing with Section 500) of the Business and Professions
23 Code or pursuant to an initiative act referred to in that division
24 providing medical care within his or her lawful scope of practice.

25 (c) A violation of subdivision (a) by the medical provider shall
26 constitute unprofessional conduct *but shall not constitute a*
27 *misdemeanor.*

